

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/20/2020</u>
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UNITED STATES OF AMERICA,	:	
	:	
-against-	:	18-CR-005 (VEC)
	:	
MARK IRIZARRY,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 11, 2020, the Court received a letter from Mr. Irizarry, *pro se*, moving for compassionate release pursuant to 18 U.S.C. § 3582(c) (Dkt. 43);

WHEREAS on May 26, 2020, the Government opposed Defendant's motion for compassionate release, and provided Mr. Irizarry's BOP medical records (Dkt. 45);

WHEREAS the Court has received additional letters (Dkts. 46, 48) and medical records (under seal) from Mr. Irizarry in further support of his motion; and

WHEREAS Mr. Irizarry has exhausted his administrative remedies as required by the statute, 18 U.S.C. § 3582(c)(1)(A) (*see* Dkt. 47);

IT IS HEREBY ORDERED that Mr. Irizarry's motion for compassionate release is DENIED. He fails to demonstrate "extraordinary and compelling reasons" to reduce his sentence. 18 U.S.C. § 3582(c)(1)(A)(i). Mr. Irizarry has not shown that his health conditions in combination with increased risks of contracting COVID-19 at FCI Petersburg Low rise to the level of warranting a reduction of his sentence. As of the date of the Government's opposition, no inmate had tested positive at Mr. Irizarry's facility, and only 1 inmate has tested positive as of the date of this Order according to [www.bop.gov/coronavirus/](http://www.bop.gov/coronavirus/).

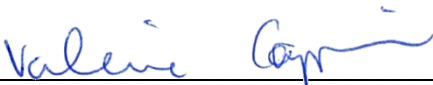
Even if Mr. Irizarry could demonstrate extraordinary and compelling reasons, the Section 3553 factors would nonetheless counsel against his release. Mr. Irizarry's crimes were undoubtably severe. The purposes of his original 240-month sentence would be seriously undermined by reducing that sentence more than 80%.

The Court encourages Mr. Irizarry to continue to make productive use of his time in prison, including by participating in mental health counseling. His activities and efforts so far are a positive sign towards rehabilitation.

The Clerk of Court is respectfully directed to close docket entry 43. This Order has been mailed to Mr. Irizarry by chambers.

**SO ORDERED.**

**Date: July 20, 2020  
New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**